

AMENDED IN ASSEMBLY JULY 3, 2007

SENATE BILL

No. 315

Introduced by Senator Cogdill

February 16, 2007

An act to amend Section 114381 of, *and to add Section 114382 to*, the Health and Safety Code, relating to food facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 315, as amended, Cogdill. Food facilities: permit fees.

The California Uniform Retail Food Facilities Law (CURFFL) provides for the regulation of health and sanitation standards for retail food facilities by the State Department of ~~Health Services~~ *Public Health*. Under existing law, local health agencies are primarily responsible for enforcing CURFFL. ~~Effective July 1, 2007, these duties will be transferred to the State Department of Public Health.~~

CURFFL requires each food facility to have a valid permit to be open for business and requires any fee for the permit to be determined by the local governing body.

This bill would ~~require~~ *provide that* a school district that operates a food facility pursuant to a permit *may be required to pay the a specified* permit fee *only after an inspection of that facility*. By imposing additional duties upon local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 114381 of the Health and Safety Code
2 is amended to read:

3 114381. (a) A food facility shall not be open for business
4 without a valid permit.

5 (b) A permit shall be issued by the enforcement agency when
6 investigation has determined that the proposed facility and its
7 method of operation meets the specifications of the approved plans
8 or conforms to the requirements of this part.

9 (c) A permit, once issued, is nontransferable. A permit shall be
10 valid only for the person, location, type of food sales, or
11 distribution activity and, unless suspended or revoked for cause,
12 for the time period indicated.

13 ~~(d) Any fee for the permit or registration or related services;~~
14 ~~including, but not limited to, the expenses of inspecting and~~
15 ~~impounding any utensil suspected of releasing lead or cadmium~~
16 ~~in violation of Section 108860 as authorized by Section 114393,~~
17 ~~review of HACCP plans, and alternative means of compliance~~
18 ~~shall be determined by the local governing body. Fees shall be~~
19 ~~sufficient to cover the actual expenses of administering and~~
20 ~~enforcing this part. Notwithstanding Section 6103 of the~~
21 ~~Government Code, a school district that operates a food facility~~
22 ~~subject to the permit requirement of this section may be required~~
23 ~~to pay the permit fee.~~

24 (e)

25 (d) A permit shall be posted in a conspicuous place in the food
26 facility or in the office of a vending machine business.

27 ~~(f)~~

28 SEC. 2. Section 114382 is added to the Health and Safety Code,
29 to read:

30 114382. (a) Any fee for the permit specified in Section 114381
31 or related services, including, but not limited to, the expenses of
32 inspecting and impounding any utensil suspected of releasing lead
33 or cadmium in violation of Section 108860 as authorized by Section

1 114393, review of HACCP plans, and alternative means of
2 compliance shall be determined by the local governing body. Fees
3 shall be sufficient to cover the actual expenses of administering
4 and enforcing this part.

5 (b) Notwithstanding Section 6103 of the Government Code, a
6 school district that operates a food facility subject to the permit
7 requirement of Section 114381 may be required to pay the permit
8 fee only after an inspection of the food facility. Notwithstanding
9 subdivision (a), the amount of this permit fee shall not exceed the
10 actual costs of performing the inspection of the food facility or
11 five hundred dollars (\$500), whichever amount is less. To the
12 extent authorized by Chapter 13 (commencing with Section 1758)
13 and Chapter 13A (commencing with Section 1771) of Title 42 of
14 the United States Code, the permit fee paid by a school district
15 may be paid with federal school lunch and breakfast program
16 funds.

17 (c) Any person requesting the enforcement agency to undertake
18 activity pursuant to Sections 114149.1 and 114419.3 shall pay the
19 enforcement agency's costs incurred in undertaking the activity.
20 The enforcement agency's services shall be assessed at the current
21 hourly cost recovery rate.

22 ~~SEC. 2.~~

23 SEC. 3. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.

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30 CORRECTIONS:

31 Digest Text—Page 1.